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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,634	04/07/2005	Jurgen Holz	10808/231	7531
48581 7590 03/17/2008 BRINKS HOFER GILSON & LIONE/INFINEON INFINEON PO BOX 10395 CHICAGO, IL 60610				
EXAMINER				
CRUZ, LESLIE PILAR				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,634

Applicant(s)

HOLZ ET AL.

Examiner

Leslie P. Cruz

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Individual Patent Application
- 6) ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: JP 60161669 A & English Translation.

DETAILED ACTION

Acknowledgements

The amendment filed on 07 December 2007 in response to the Office Action mailed on 04 October 2007 has been entered. The present Office Action is made with all the suggested amendments being fully considered. Accordingly, pending in this Office Action are claims 5-9 and 22-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyanagi (JP 60-161669 A, see attached English Translation) in view of Chau et al. (US 5,908,313).

With respect to claim 9, Koyanagi (Figs. 1-3) discloses a field-effect transistor with local source-drain insulation, having a semiconductor substrate [2]; a source depression [20] and a drain depression [20], which are formed in a manner spaced apart from one another in the semiconductor substrate, wherein the source and drain depressions have, in an upper region, a widening [16] with a predetermined depth for realizing defined channel connection regions [page 4 lines 15-20]; a depression insulation layer [9], which is formed at least in a bottom region of the source depression

and of the drain depression, wherein the depression insulation layer has a depression sidewall insulation layer [portion of 9 on sidewall of groove 20], which is formed in a sidewall region of the source and drain depressions but does not touch the gate dielectric [4]; and an electrically conductive filling layer [8], which is formed for realizing source [6] and drain [6] regions and for filling the source and drain depression at a surface of the depression insulation layer; a gate dielectric [4], which is formed at a substrate surface between the source and drain depressions; and a gate layer [5], which is formed at a surface of the gate dielectric, wherein the depression sidewall insulation layer extends into a region below the gate dielectric and overlaps with the gate dielectric. Koyanagi does not specify the electrically conductive filling layer has a seed layer for improving a deposition in the source and drain depressions, the seed layer comprising silicon or SiGe. However, Chau et al. (Fig. 3E) discloses it is well known for an electrically conductive filling layer [314] to have a seed layer, the seed layer comprising silicon [column 7 lines 33-46]. Chau et al. teaches the benefits of an electrically conductive filling layer having a seed layer, the seed layer comprising silicon, in order for the electrically conductive filling layer to be selectively deposited [column 7 lines 34-46]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the electrically conductive filling layer of Koyanagi to have a seed layer, the seed layer comprising silicon, such as taught by Chau et al., in order for the electrically conductive filling layer to be selectively deposited.

With respect to claim 5, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 9. Koyanagi (Figs. 1-3) further discloses a gate insulation layer [10] is formed at sidewalls of the gate layer.

With respect to claim 6, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 9. Chau et al. further discloses a field-effect transistor may be bounded by shallow trench isolations [column 4 lines 56-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the field effect transistor of Koyanagi in view of Chau et al. to be bounded by shallow trench isolations, such as taught by Chau et al., because of their ability to be formed to small dimensions with a high degree of planarity [Chau et al., column 4 lines 56-67].

With respect to claims 7 and 8, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 9. Koyanagi in view of Chau et al. does not disclose that the field-effect transistor has lateral structures < 100 nm or that the source and drain depressions have a depth of approximately 50 nm to 300 nm. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the field-effect transistor of Koyanagi in view of Chau et al. to have lateral structures < 100 nm or the source and drain depressions have a depth of approximately 50 nm to 300 nm in order to miniaturize the device while suppressing the resistance. The specific claimed relative dimensions of the lateral structures or the source and drain depressions, absent any criticality, are only considered to be the "optimum" dimensions that a person having ordinary skill in the art would have been able to determine using

routine experimentation based, among other things, on the desired adhesive strength, manufacturing costs, etc. (see Boesch, 205 USPQ 215 (CCPA 1980)), and since neither non-obvious nor unexpected results, *i.e.*, results which are different in kind and not in degree from the results of the prior art, will be obtained.

Accordingly, since the applicants have not established the criticality (see next paragraph below) of the stated relative thicknesses, it would have been obvious to one of ordinary skill in the art to use these values in the device of Roberds.

The specification contains no disclosure of either the critical nature of the claimed dimensions or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Therefore, claims 7 and 8 are not patentably distinguishable over the Koyanagi in view of Chau et al. reference.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyanagi in view of Chau et al. as applied to claim 9 above, and further in view of Wang et al. (US 2003/0234422 A1).

With respect to claim 22, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 9. Koyanagi in view of Chau et al. does not specify that a spacer is located laterally between the gate insulation layer and the depression sidewall insulation layer. However, Wang et al. (Fig. 9) discloses that it is well known for a spacer [910] to be located laterally between a gate insulation layer [150] and a depression sidewall insulation layer [710]. It is well known for a spacer to be located

laterally between the gate insulation layer and the depression sidewall insulation layer in order to further protect the gate electrode. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the device of Koyanagi in view of Chau et al. to have a spacer located laterally between the gate insulation layer and the depression sidewall insulation layer, such as taught by Wang et al. in order to further protect the gate electrode.

With respect to claim 23, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 22. Wang et al. further discloses the spacer may comprises silicon nitride [paragraph 0026]. It is beneficial for the spacer to comprise silicon nitride because of its resistance to wet etching steps. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the device of Koyanagi in view of Chau et al. and further in view of Wang et al. to comprise a spacer that comprises silicon nitride, such as taught by Wang et al., because of its resistance to wet etching steps.

With respect to claim 24, Koyanagi in view of Chau et al. discloses the field-effect transistor as claimed in claim 22. Wang et al. (Fig. 9) further discloses that it is well known for a spacer to extends into a widening [upper portion of depression 410]. Wang et al. teaches that it is beneficial for a spacer to extend into the widening in order to further reduce the distance between the gate electrode and the electrically conductive filling layer, which would reduce an adverse capacitance [paragraph 0034]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the spacer of Koyanagi in view of Chau et al. and further in view of Wang

et al. to extend into a widening, such as taught by Wang et al., in order to further reduce the distance between the gate electrode and the electrically conductive filling layer which would reduce an adverse capacitance.

Response to Arguments

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Telephone/Fax Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie P. Cruz whose telephone number is 571-272-8599. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue A. Purvis can be reached on 571-272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Pilar Cruz
Examiner
Art Unit 2826

/Minh-Loan T. Tran/
Primary Examiner
Art Unit 2826